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PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Inventor(s):</b>	Dinh et al.
<b>Application No.:</b>	10/061,458
<b>Filed:</b>	February 1, 2002
<b>Title:</b>	EXPANDABLE UNIT CELL AND INTRALUMINAL STENT
<b>Examiner:</b>	Unknown
<b>Group Art Unit</b>	3738

FAX RECEIVED

JUN 3 2003

PETITIONS OFFICE

Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

Docket No. S63.2-10389

**Renewed Petition Under 37 CFR §1.47(b)****For U.S. Patent Application Wherein One or More Inventor's Cannot be Reached**

Quanam Medical Corporation hereby requests that the United States Patent and Trademark Office accept the enclosed Declaration(s) of Inventorship under 37 C.F.R. 1.63, wherein despite diligent effort in attempting to locate and reach the listed inventors, four of the five co-inventors of U.S. Patent Application 10/061,458, namely Robert Eury, Loc Phan, Linh Dinh and Michael Froix cannot be reached.

As a result, the above referenced Application is made on behalf of Robert Eury, Loc Phan, Linh Dinh and Michael Froix by the available co-inventor: Irina Pomerantseva as indicated on the enclosed Declaration(s).

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## PETITION UNDER 37 C.F.R. §1.47(b)


Enclosed with this petition is:

- a) Declaration(s) of Inventorship signed under 37 C.F.R. §1.63 by the above referenced available co-inventors.
- b) Assignments signed by all of the co-inventors, assigning their respective rights, title and interest in the above referenced patent application to Quanam Medical Corporation,
- c) a Declaration of Facts in Support of Filing on Behalf of Omitted Inventors Robert Eury, Loc Phan, Linh Dinh and Michael Froix, which includes their last known addresses, and a description of the actions taken in attempting to locate them respectively.
- d) a Power of Attorney from Assignee (Quanam Medical Corporation) appointing all practitioners of Customer No. 490, including James M. Urzedowski, to act on their behalf, and
- e) the petition fee of \$130.00 required by 37 C.F.R. 1.17(h).

Applicant authorizes the Commissioner of Patents and Trademarks to charge all required extension of time fees that have not otherwise been paid to Deposit Account No. 22-0050.

Date: 6/3/03

James M. Urzedowski

  
(Signature of James M. Urzedowski,  
attorney for Assignee)  
Reg. 48,596

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 3 2003

PETITIONS OFFICE

In re Application of: Dinh et al.  
Application No.: 10/061,458  
Filed: February 1, 2002  
For: Expandable Unit Cell and Intraluminal Stent  
Examiner: Unknown  
Group Art Unit: 3738

Attn: Office of Petitions

Atty. Docket: S63.2N-10389-US01

TO: Charlema R. Grant, Petitions Attorney

DATE: June 3, 2003

FACSIMILE NO.: 1-703-308-6916

TIME: 3:50 p.m.

GROUP ART UNIT: 3738

TOTAL NUMBER OF PAGES (including cover letter): 7

## FACSIMILE TRANSMITTAL LETTER

1. In regard to the above-identified application, we are submitting the attached:  
2 page Renewed Petition Under 37 CFR §1.47(b) For U.S. Patent Application  
Wherein One or More Inventor's Cannot be Reached; 4 page Declaration of Facts in  
Support of Filing on Behalf of Omitted Inventor (37 CFR 1.47(b)) and VAS  
Facsimile Transmittal Letter.

If a fee is required, Commissioner of Patents is hereby authorized to charge Deposit  
Account No. 22-0350 for any required fees.

Respectfully Submitted,

VIDAS, ARRETT &amp; STEINKRAUS, P.A.

Date: June 3, 2003

By:

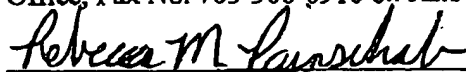
James M. Urzedowski  
Reg. No. 48,596

6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343-9185  
Telephone: (952) 563-3000  
Facsimile: (952) 563-3001

## Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and  
Trademark Office, Fax No. 703-308-6916 on June 3, 2003.

Signature:



Rebecca M. Painschab

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Dinh et al.
Application No.:	10/061,458
Filed:	February 1, 2002
Title:	EXPANDABLE UNIT CELL AND INTRALUMINAL STENT
Examiner:	Unknown
Group Art Unit	3738

Commissioner for Patents  
Box: DAC  
Washington, D.C. 20231

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JUN 3 2003

PETITIONS OFFICE

Docket No. S63.2-10389

**Declaration of Facts in Support of Filing on Behalf of Omitted Inventor  
(37 CFR 1.47(b))**

This declaration is made as to the facts which are relied upon to establish the diligent effort to secure the execution of the declaration by the omitted inventors for the above identified Patent Application before deposit thereof in the Patent and Trademark Office.

This declaration is being made by Susan L. Creek who has personal knowledge of the facts recited herein.

**Identification of Person Making This Declaration of Facts**

Name of declarant: Susan Lynn Creek

Address of declarant: Patent Legal Department  
Mail Station A150  
SciMed Life Systems, Inc.  
One SciMed Place  
Maple Grove, MN. 55311-1566

Title of declarant: Legal Assistant to Luke Dohmen, Vice President and Chief Patent Counsel, Cardiology SciMed Life Systems Inc.

*Declaration Of Facts In Support Of Filing On Behalf Of Omitted Inventor 37 CFR 1.47(b)*  
*Application No. 10/061,458*  
*Page 2*

**Last Known Addresses of the Omitted Inventors**

Name of omitted inventor:	Robert Eury
Last known address:	5190 Boxwood Place Riverside, CA 92506
Name of omitted inventor:	Loc Phan
Last known address:	1197 Fargate Circle San Jose, CA. 95131
Name of omitted inventor:	Linh Dinh
Last known address:	2233 Augusta Place Santa Clara, CA. 95051
Name of omitted inventor:	Michael Froix
Last known address:	3422 Woodstock Lane Mountain View, CA. 94040

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JUN 3 2003

PETITIONS OFFICE

**Details of Efforts to Reach Omitted Inventors**

1. Prior to the issuance of U.S. Patent 6,019,789, from which the present Application is a Reissue Application, all of the omitted inventors signed declarations stating that they were inventors of the subject matter contained in U.S. Patent Application 09/053,887 (now U.S. 6,019,789), and signed assignment papers assigning all of their rights to the subject matter contained in the U.S. Patent Application 09/053,887 to Quanam Medical Corporation, of Santa Clara California (Assignee).
2. Following the filing of the present Reissue Application, I received a copy of the Notice to File Missing Parts of Reissue Application (mailed April 10, 2002) from Attorney Walter J. Steinkraus. Following receipt of this notice I began trying to contact the inventors for the purpose of acquiring their signed declarations of inventorship. In a Declaration dated October 9, 2002 I summarized my efforts in attempting to contact inventors Robert Eury, Loc Phan and Linh Dinh. In light of a Decision Refusing Status under 37 CFR 1.47(a)

*Declaration Of Facts In Support Of Filing On Behalf Of Omitted Inventor 37 CFR 1.47(b)*  
*Application No. 10/061,458*  
*Page 3*

which was received from the Office of Petitions of the U.S. Patent and Trademark Office on April 10, 2003. I have subsequently attempted to contact all of the listed inventors of the original Application as described below:

A) In regard to omitted inventor Robert Eury:

In a further effort to locate and contact Robert Eury, on April 29, 2003 I sent a package including a letter; a copy of U.S. Application No. 10/061,458, including a copy of the specification, claims and drawings; and a declaration of inventorship for Mr. Eury's review by Federal Express to the most recent address I had on file for his home at 5190 Boxwood Place, Riverside, California 92506.

However, On May 7<sup>th</sup> 2003 I received a telephone call from a Mr. Robert Eury at which time he informed me that while he had received the package he was not the Robert Eury who had previously worked for Quantum Medical Corporation nor did he know how to contact the Robert Eury I was attempting to locate.

B) In regard to omitted inventor Loc Phan:

In trying again to contact Loc Phan, on April 29, 2003 I sent a package including a letter; a copy of U.S. Application No. 10/061,458, including a copy of the specification, claims and drawings; and a declaration of inventorship for Loc Phan's review by Federal Express to the most recent address I had on file for Loc Phan's home at 1197 Fargate Circle, San Jose, CA 95131. Subsequently, the package was returned as being undeliverable.

C) In regard to omitted inventor Linh Dinh:

In attempt again to contact Linh Dinh, on April 29, 2003 I sent a package including a letter; a copy of U.S. Application No. 10/061,458, including a copy of the specification, claims and drawings; and a declaration of inventorship for Linh Dinh's review by Federal Express to the most recent address I had on file for Linh Dinh's home at 2233 Augusta Place, Santa Clara, CA 95051.

On May 19, 2003, I again attempted to reach Linh Dinh by mailing a reminder letter to the same address.

D) In regard to omitted inventor Michael Froix:


In a further attempt to contact Michael Froix, on April 29, 2003 I sent a package including a letter; a copy of U.S. Application No. 10/061,458, including a copy of the specification, claims and drawings; and a declaration of inventorship for Michael Froix's review by Federal Express to the most recent address I had on file for Michael Froix's home at 3422 Woodstock Lane, Mountain View, CA 94040.

On May 19, 2003, I again attempted to reach Michael Froix by mailing a reminder letter to the same address.

*Declaration Of Facts In Support Of Filing On Behalf Of Omitted Inventor 37 CFR 1.47(b)*  
*Application No. 10/061,458*  
*Page 4*

3. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:

6/3/03  
Susan L. Ortek